

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L PANAMA 04572

E.O. 11652: GDS
TAGS: PEPR, PN
SUBJECT: DRAFT AGREEMENT ON CEMETERIES

1. THE MOST RECENT DRAFT TEXT OF THE CEMETERIES
AGREEMENT WHICH IS AVAILABLE HERE IS DATED MAY 25.
WE HAVE PASSED ON OUR COMMENTS ON THIS DRAFT VIA
TELEPHONE FROM TAYLOR AND HINSON TO WHITING, ARA/PAN.
IN ADDITION, WE WOULD LIKE TO POINT UP TWO PROVISIONS
WHICH MAY CAUSE NEGOTIATING PROBLEMS.

2. ARTICLE II(4) WOULD COMMIT THE PANAMANIAN GOVERNMENT
TO "FURTHER THE CONSERVATION OF THE EXISTING RURAL
ASPECT OF THE AREA SURROUNDING THE CEMETERY AND THE
PRESERVATION OF THE DIGNITY AND AESTHETIC CHARACTER
FROM UNSIGHTLY OR INAPPROPRIATE STRUCTURES OR
ACTIVITIES." PANAMA MAY WELL WISH TO DEVELOP THE AREA
AROUND THE CEMETERY AND MAY FIND IT DIFFICULT TO
UNDERSTAND WHY THE "RURAL ASPECT" OF THE CEMETERY
IS MORE IMPORTANT THAN THE ECONOMIC DEVELOPMENT,
OR HOMES, OR JOBS WHICH MIGHT BE CREATED IF IT WERE
URBANIZED. WHAT, THEY MAY ASK, IS WRONG WITH AN
URBAN CEMETERY? WE MIGHT GIVE SOME THOUGHT TO
DEFINING HOW BIG AN AREA WE ARE TALKING ABOUT WHEN WE
SPEAK OF "THE AREA SURROUNDING THE CEMETERY."

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3. A SECOND AREA OF POTENTIAL TROUBLE IS IN ARTICLE
III (2) WHICH WOULD EXEMPT THE U.S. GOVERNMENT
FROM PANAMANIAN REGULATIONS ON THE MOVEMENT OF BODIES.
THE PANAMANIAN MAY CONSIDER THIS PRESUMPTUOUS ON OUR
PART. (ARE THERE ANY PRECEDENTS IN OUR AGREEMENTS
WITH OTHER COUNTRIES?) PERHAPS WE SHOULD HAVE A FALL

BACK POSITION OF OBLIGING THE PANAMANIAN GOVERNMENT
TO EXPEDITE THE ISSUANCE OF THE NECESSARY PERMITS.

4. WE HAVE A GOOD MANY AGREEMENTS TO CONCLUDE WITH
PANAMA OVER THE NEXT MONTHS AND YEARS. WE MUST BE
CAREFUL IN ALL OUR NEGOTIATIONS NOT TO POISON THE WELL.
IN THIS CASE, WE MUST REMEMBER THAT THE CIRCUMSTANCES
IN PANAMA DIFFER RATHER RADICALLY FROM THOSE IN FRANCE
OR THE NETHERLANDS WHEN OUR AGREEMENTS WITH THOSE
COUNTRIES WERE SIGNED. PANAMA WILL FULFILL ITS
AGREEMENT, IN ACCORDANCE WITH THE RANDOLPH RESERVATION,
AN AGREEMENT WHICH WAS SQUEEZED OUT OF PANAMA UNDER
CIRCUMSTANCES WHICH IT FOUND UNPLEASANT. THE
CEMETERY AGREEMENT HAS ITS POLITICAL COST FOR THE
PANAMANIAN GOVERNMENT; THE INDEPENDENT LAWYERS AS
RECENTLY AS LAST WEEK CRITICIZED THE GOVERNMENT'S
AGREEMENT TO THE RANDOLPH RESERVATION ON
GROUNDS OF ITS PERPETUITY AND ITS IMPLICATIONS OF
EXTRA-TERRITORIALITY.

5. WE ARE NOT NECESSARILY SUGGESTING THAT THE U.S.
NEGOTIATORS SHOULD NOT PRESENT PANAMA AN INITIAL
TEXT WITH THESE PROVISIONS IN IT -- MERELY THAT
WE SHOULD BE READY TO FALL BACK IF NECESSARY.

6. WE WOULD APPRECIATE THE OPPORTUNITY TO SEE A
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LATER DRAFT WHEN ONE BECOMES AVAILABLE. JORDEN

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